

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:12-cv-00368-MR-DLH

PETER JOSEPH THOMAS, LINDA B. )  
THOMAS, HERBERT JOHN )  
BOESCHEN, II and BEVERYLY ANN )  
BOESCHEN, )  
Plaintiffs, )  
vs. )  
WILDERNESS TRAIL DEVELOPMENT )  
CORPORATION, a North Carolina )  
Corporation, and JOHN PAUL )  
COGDILL, )  
Defendant. )

## ORDER

**THIS MATTER** is before the Court on the Defendants' Suggestion of  
Bankruptcy [Doc. 19].

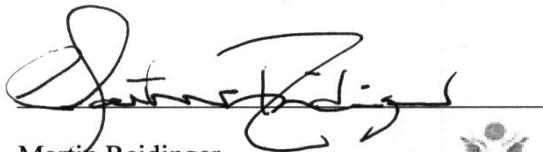
The Defendants have filed a notice with the Court indicating that the Defendant Wilderness Trail Development Corporation filed a voluntary bankruptcy petition under Chapter 7 of the United States Bankruptcy Code on August 14, 2013. It is well-settled that “[w]hen litigation is pending against the debtor at the time a bankruptcy case is commenced, the litigation is stayed automatically.” 3 Collier on Bankruptcy ¶ 362.03[3] (16<sup>th</sup> ed. 2011); see also 11 U.S.C. § 362(a)(1) (providing that a bankruptcy

petition operates as an automatic stay of “the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor”). Accordingly, the Court will consider this action stayed as to the Defendant Wilderness Trail Development Corporation only.

Accordingly, **IT IS, THEREFORE, ORDERED** that this action is hereby **STAYED** as to the Defendant Wilderness Trail Development Corporation only until further Order of the Court. All other claims pending in this action remain unaffected by this stay, and this case remains on the March 10, 2014 calendar for trial.

**IT IS SO ORDERED.**

Signed: December 30, 2013



Martin Reidinger  
United States District Judge

